



# County of Los Angeles CHIEF EXECUTIVE OFFICE

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SACHI A. HAMAI  
Interim Chief Executive Officer

July 15, 2015

To: Mayor Michael D. Antonovich  
Supervisor Hilda L. Solis  
Supervisor Mark Ridley-Thomas  
Supervisor Sheila Kuehl  
Supervisor Don Knabe

From: Sachi A. Hamai   
Interim Chief Executive Officer

Board of Supervisors  
HILDA L. SOLIS  
First District

MARK RIDLEY-THOMAS  
Second District

SHEILA KUEHL  
Third District

DON KNABE  
Fourth District

MICHAEL D. ANTONOVICH  
Fifth District

## SACRAMENTO UPDATE

### Executive Summary

This memorandum contains reports on the following:

- **Change in County Position on Legislation**
  - **County-support-if-amended SB 149 (Stone).** This measure would establish the Right to Try Act to make an investigational drug, biological product or device available to eligible patients with a terminal disease. On July 13, 2015, SB 149 was amended to provide specific requirements for written, informed patient consent. Therefore, unless otherwise directed by the Board, consistent with existing policy to support legislation to allow experimental drugs and/or biological products, which have passed the initial Food and Drug Administration safety trial, to be made available to terminally ill patients, **the Sacramento advocates will change the County position on SB 149 from support-if-amended, to support.**
- **Status of County-Sponsored Legislation**
  - **County-co-sponsored AB 879 (Burke)** - related to the notice of dependency hearings by electronic mail, passed the Senate Floor on July 13, 2015, and now proceeds to the Assembly for concurrence of Senate amendments.

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- **Status of Legislation of County Interest**

- **SB 682 (Leno).** This measure would require courts to comply with specified requirements before contracting out services that are currently or customarily performed by trial court employees.

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**Change in Pursuit of County Position on Legislation**

**County-support-if-amended SB 149 (Stone),** which as previously amended, would establish the Right to Try Act to make an investigational drug, biological product or device that has successfully completed Phase 1 of a clinical drug trial approved by the U.S. Food and Drug Administration available to eligible patients with a terminal disease. Previously, this measure did not contain comprehensive, written informed consent, recommended by the Department of Health Services and County Counsel, to ensure patients participating in the Right to Try Act are fully informed. These provisions are included in two similar measures, **County-supported AB 159 (Calderon)** and **County-supported SB 715 (Anderson).**

On July 13, 2015, SB 149 was amended to require an eligible patient to submit written, informed consent in a document approved by the treating physician's institutional review board or an accredited independent institutional review board and signed by the patient, his or her parent, legal guardian or legally authorized representative which includes the following:

- explains the currently approved products and treatments for the terminal illness from which the patient suffers;
- attests to the fact that the patient, or his or her legal guardian or legally authorized representative, concurs with the patient's physician that all currently approved and conventionally recognized treatments are unlikely to prolong the patient's life;
- identifies the specific proposed investigational drug, biological product or device that the patient is seeking to use;
- describes the best and worse outcomes from using the investigational drug, biological product or device, including the possibility that new, unanticipated, different or worse symptoms and that death could be hastened by the proposed treatment;

- states that the patient's health plan, or health provider are not obligated to pay for the treatment;
- states that the patient's eligibility for hospice may be withdrawn; and
- states that the patient understands that he or she is liable for all expenses related to the use of the investigational drug, biological product or device, and that this liability extends to the patient's estate or as otherwise provided in the patient's health care plan or the contract between the patient and the drug manufacturer.

The amendments also define an eligible patient as an individual with an immediately life-threatening disease or condition confirmed by a physician.

As amended, SB 149 would help to ensure patient safety by providing a comprehensive, written consent process. This office supports SB 149. Therefore, unless otherwise directed by the Board, consistent with existing policy to support legislation to allow experimental drugs and/or biological products, which have passed the initial Food and Drug Administration safety trial, to be made available to terminally ill patients, **the Sacramento advocates will change the County position on SB 149 from support-if-amended, to support.**

SB 149 is awaiting a hearing in the Assembly Appropriations Committee.

#### **Status of County Co-Sponsored Legislation**

**County-co-sponsored AB 879 (Burke)**, which as amended on July 7, 2015, would allow, until January 1, 2019, a county, or city and county, and the court to provide notice by electronic mail to parties in dependency cases, and would permit an individual to receive notice of scheduled dependency court hearings electronically, who has consented to such service and met specified requirements, among other provisions, passed the Senate Floor, with amendments which are technical in nature, by a vote of 40 to 0 on July 13, 2015. This measure now proceeds to the Assembly for concurrence of Senate amendments.

#### **Legislation of County Interest**

**SB 682 (Leno)**, which as amended on June 24, 2015, would require courts to comply with specified requirements before contracting out services that are currently or customarily performed by trial court employees. Specifically, this bill would require that contracts for services that are currently or customarily performed by trial court employees are permissible in a court when all of the following conditions are

met, including a clear demonstration of cost savings, a competitive bid process, and no displacement of trial court employees, among other provisions. Under SB 682, contracting would be permissible under certain circumstances, including contracts between a trial court and another government entity.

The Community Development Commission (CDC) reports that its Traffic Administration Services (TAS) provides administrative and customer services to the Los Angeles Superior Court (Court), at designated traffic school only windows to assist customers with a variety of traffic court functions including, but not limited to, processing traffic school requests, receiving citation fee payments, processing extension requests, and providing traffic citation and traffic school-related information to Court customers.

The Community Development Commission and the Court are in the third year of a three-year service agreement (Agreement) which may be extended for two additional one-year periods through November 1, 2017. The Agreement includes management and staffing of 21 traffic court specialists and three supervisors at various courthouses within the County, and effectively addresses the specific code enforcement, customer service and program administration needs of the Court and the County of Los Angeles. The Agreement was developed between the CDC and the Court.

The Community Development Commission notes that the current Agreement includes a provision that gives recruitment priority (for positions relating to the Agreement) to Court or CDC employees targeted for layoff or former CDC or Court employees. The CDC also indicates that the Agreement is the sole funding source for the TAS program, and that the loss of the Agreement would result in the elimination of the TAS program and its staff positions.

This office, the Sacramento advocates, CDC, and County Counsel discussed the County's concerns regarding SB 682 with the bill's sponsor and the author's office, and expressed interest in clarifying that provisions in the bill would not apply to a contract between a trial court and another government entity such as the current Agreement CDC has with the Court. The author's office and the sponsor of SB 682 noted that the intent of this measure is to extend the current contract requirements for other State agencies to the courts required under Government Code Section 19130 while allowing exemptions for certain circumstances, including contracts between the courts and other government entities.

To ensure that the intent is clear, the author's office has requested that the County provide language for either an amendment to the bill or for a letter to the Senate Journal which would clarify the Legislature's intent to provide these exemptions. This office will

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work with County Counsel and CDC to prepare that language for submittal to the author's office for consideration.

SB 682 is co-sponsored by the: American Federation of State; County and Municipal Employees (AFL-CIO); Laborers' Locals 777 and 792; the Orange County Employees Association; and the Service Employees International Union. The bill is supported by the: California Court Reporters Association; California Labor Federation; California Professional Firefighters; California State Sheriffs' Association, and others.

SB 682 is opposed by the California Chamber of Commerce, the Los Angeles Superior Court, and the Judicial Council (unless amended).

SB 682 was placed on the Assembly Appropriations Committee Suspense File on July 8, 2015.

We will continue to keep you advised.

SAH:JJ:MR  
VE:IGEA:ma

c: All Department Heads  
Legislative Strategist  
Local 721  
Coalition of County Unions  
California Contract Cities Association  
Independent Cities Association  
League of California Cities  
City Managers Associations  
Buddy Program Participants